

CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES OF A REGULAR MEETING

WESTMINSTER, CALIFORNIA  
April 7, 2004

The City Council of the City of Westminster, California convened on April 7, 2004 at 6:05 p.m. in a Regular Meeting in the Council Conference Room, 8200 Westminster Blvd, Westminster, California.

**6:00 P.M.**  
**CLOSED SESSION**

**CALL TO ORDER:**

**ROLL CALL**

PRESENT: RICE, QUACH (Arrived at 6:10 p.m.), FRY, MARSH (Arrived at 6:25 p.m.), PARIS  
ABSENT: NONE

**ITEMS ADDED TO CLOSED SESSION:**

The City Council/Redevelopment Agency Board unanimously voted (3-0, with Mayor Pro Tem Quach and Council Member Marsh absent) to bring the following items onto the agenda for Closed Session of an urgent nature, which arose subsequent to the posting of the agenda, as follows:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager, Penny Loomer and Director of Personnel and Risk Management, Pat Corcoran; Employee Organization: Westminster Police Officers' Association (WPOA);
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager, Penny Loomer and Director of Personnel and Risk Management, Pat Corcoran; Employee Organization: Westminster Municipal Employees' Association (WMEA);
- 3) Conference with Police Chief pursuant to Government Code Section 54957, Threat to Public Services or Facilities; Consultation with: Andy Hall, Westminster Police Chief.

**CLOSED SESSION:**

In addition to the urgent closed session items referenced above, the City Council/Redevelopment Agency recessed at 6:05 p.m. to a Closed Session for the following purposes:

- 4) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: John M. Farrell and Marilyn Farrell v. City of Westminster;
- 5) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: People v. Anthony W. Jones; and

- 6) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northeast corner of Beach and Edinger; City Negotiator: Economic Development Manager Steve Soto; Negotiating Party: Steve Chapin and Makena Capital; Under Negotiation: Price and Terms of Payment.

**RECESS:** At 7:00 p.m., Mayor/Agency Chair Rice recessed from the meeting held in the Council Conference Room.

**7:00 P.M.**

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING:** The City Council/Redevelopment Agency Meeting was reconvened at 7:04 p.m. in the Council Chambers.

**ROLL CALL:**

PRESENT: RICE, QUACH, FRY, MARSH, PARIS  
ABSENT: NONE

**SALUTE TO FLAG:** City Attorney

**INVOCATION:** Pastor/Chaplain Dave Peterson

**REPORT OUT OF CLOSED SESSION:**

The City Attorney reported that the Council authorized the Economic Development Manager to issue a threat letter of condemnation to the owner of the property located at the northeast corner of Beach and Edinger on a vote of 3-1-1 with Mayor Rice voting no and Council Member Marsh abstaining. Council Member Marsh said that although he stated he approved it in concept, he did not approve the actual language.

**SPECIAL PRESENTATIONS:**

- A. Mayor Rice, the Council Members, the Interim City Manager and the City Clerk each introduced their "counterparts" from the Youth in Government Day participants; and all those participants in the audience were recognized. Mayor Rice thanked them for their participation.
- B. Police Chief Hall conducted the Department Promotion Ceremony for the following officers:

Captain Ron Coopman  
Lieutenant Jack Davidson  
Lieutenant Al Panella  
Sergeant Bill Arganda  
Sergeant Jim Kingsmill  
Sergeant Tom Richard

The wife of each officer pinned on their badges, and the officers recited the promotional oath, reaffirming their commitments. Mayor Rice and the Council Members congratulated the promoted officers and their families.

- C. Mickey Morrissey, President of the Westminster Chamber of Commerce, reported on their upcoming events. (112-01)
- D. The Mayor and Council Members presented a Resolution of Commendation to LULAC in recognition of their 75<sup>th</sup> Anniversary. The Commendation was accepted by the Local LULAC Council No. 3017. (115-00)

1. **CONSENT CALENDAR**

**APPROVAL OF MINUTES**

- 1.1 **(City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 8, 2004; Minutes of the Regular Meeting of the City Council/Redevelopment Agency of March 17, 2004; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of March 22, 2004.**

ACTION: Approved.

**ROUTINE MATTERS**

- 1.2 **(City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.3 **Proclamation declaring April as "Fair Housing Month" in the City of Westminster (115-00)**

ACTION: Approved.

- 1.4 **Proclamation declaring April 18-24, 2004 as "National Crime Victims' Rights Week" in the City of Westminster (115-00)**

ACTION: Approved.

- 1.5 **Increase in purchase order with Linda de Ambrosio, transcription and dictation services (106-00)**

ACTION: The City Council authorized a \$5,000 increase in the purchase order with Linda de Ambrosio.

**1.6 Increase of contract amount for JFL Electric, Inc. for Lighting System Improvements for the Civic Center Plaza and Westminster Park Basketball Court (502-10)**

ACTION: The City Council approved an increase of \$41,002.28 to JFL Electric, Inc.'s contract to perform additional work.

**(REMOVED AND HEARD SEPARATELY)**

**1.7 Increase in purchase order with Chupan Medical Computer Services (CMCS) (502-03)**

Darrell Nolta, resident of Westminster, stated that he did not see where CMCS had any incentive to do a good job. He said that the City is serious in collecting the money for the ambulance service and he urged residents who do not have any insurance to find out about the City's ambulance service program.

**Motion was made by Council Member Paris**, and seconded by Council Member Fry, to authorize a \$15,000 increase of the purchase order with CMCS for ambulance billing services.

**1.8 Award of Contract for Canopy Structure at the Corporation Yard – Project No. 51502-041001 (502-01)**

ACTION: The City Council:

- 1) Approved the appropriation of \$7,500.00 from Account No. 51502-031014 (Trask Avenue Improvements) to Account No. 51502-041001 (Canopy Structure at Corporation Yard); and
- 2) Approved the award of contract to the low qualified bidder in the amount of \$47,758.00 to Action Awning, Inc.; rejected all other bids; and authorized the Interim City Manager to execute the contract on behalf of the City.

**ADMINISTRATIVE ITEMS**

**1.9 Special Event Permit application from the Asian American Senior Citizens Association to hold a Vietnamese Ancestor Commemoration Day on Sunday, April 25, 2004 between the hours of 10:00 a.m. to 9:00 p.m., for 2,000 attendees in the parking lot at 9822 Bolsa Avenue (Little Saigon Supermarket) (213-02)**

ACTION: The City Council approved the Special Event Permit application subject to conditions attached to the staff report.

**WARRANT REGISTER**

**1.10 (City Council/Redevelopment Agency) Warrant Register dated March 12 through March 25, 2004. (105-09)**

ACTION: Approved.

**INFORMATION AND REPORTS**

**1.11 Minutes of the Planning Commission meeting held March 10, 2004 (104-11)**

ACTION: Received and filed.

**1.12 Minutes of the Planning Commission study session meeting held March 10, 2004 (104-11)**

ACTION: Received and filed.

**1.13 Treasurer's Report – February, 2004 (105-08)**

ACTION: Received and filed.

**Motion was made by Council Member Paris**, and seconded by Mayor Pro Tem Quach, to approve the Consent Calendar with the exception of Item No. 1.7. The motion was carried by a 5-0 vote.

**END OF CONSENT CALENDAR**

Mayor Rice said that she received requests to move two items forward on the agenda: Item Nos. 3.1 (a public hearing) and 7.4 (written communication).

**Motion was made by Council Member Fry**, and seconded by Council Member Paris, to approve the requests to move Item Nos. 3.1 and 7.4 forward on the agenda. The motion was carried by a 5-0 vote.

**3. PUBLIC HEARINGS**

**3.1 REVIEW OF PLANNING COMMISSION'S DENIAL OF CASE NO. 2003-74 (SITE PLAN/DESIGN REVIEW); LOCATION: 8882-92 BOLSA AVENUE; APPLICANT: ANDREW K. NGUYEN AND BRUCE H. NGUYEN OF SOUTHLAND PROPERTY DEVELOPMENT (201-04)**

Time set for a public hearing to review the Planning Commission's decision to deny a proposal to add a 4,684 square foot second floor, expand the first floor by 911 square feet, addition of a 106 square foot elevator and equipment room, and various site improvement, to an existing commercial building located in the Bolsa/Magnolia shopping center.

The City Attorney said that the attorney for the applicants has requested a continuance to the May 5<sup>th</sup> Council meeting in order to have more time to work with adjacent property owners and business owners in the shopping center.

Mark Rosen, the attorney representing the applicants, Southland Property Development, requested that the public hearing item be continued to the May 5<sup>th</sup> Council meeting so that a new plan can be presented.

**Motion was made by Council Member Paris**, and seconded by Mayor Pro Tem Quach, to approve the request to continue the public hearing item "CASE NO. 2003-74 (SITE PLAN/DESIGN REVIEW); LOCATION: 8882-92 BOLSA AVENUE" to the City Council meeting of May 5, 2004 at 7:00 p.m.

Council Member Marsh said he supports the motion, however, he asked if there is anyone present tonight who wished to speak who would not be able to attend a meeting on May 5<sup>th</sup>.

Jonathon Morgan, President of the Homeowners Association of Bishop Place Townhomes, said he was not sure if he would be able to attend May 5<sup>th</sup> Council meeting. Mayor Rice told Mr. Morgan he could either place his concerns in writing or ask another person to come to the meeting as a representative of the homeowners association.

The motion carried by a 5-0 vote.

**7.4 Request from the Little Saigon Tet Parade Association that the City of Westminster grant a five-year contract with renewable options for future five-year periods, giving them exclusive rights to organize the annual Tet Parade. (213-02 LI)**

Andrew Do, a board member of the Little Saigon Tet Parade Association, noted that in the past the annual Tet Parade was put on by a loose organization of different groups without any distinct leadership, which is the reason why his organization made the request for a five-year contract for an exclusive right to organize the parade.

Peter Nguyen, resident of Westminster, urged the Council to approve the request from the Little Saigon Tet Parade Association.

Mr. Ngo, Chair of the Vietnamese Community of Southern California, asked the Council to think carefully before granting the Little Saigon Tet Parade Association an exclusive right to organize the Tet Parade for five years.

Council Member Marsh noted that the last Tet Parade organizers met all their deadlines and submitted all their paperwork, however, he was not in favor of offering a contract. He agreed to grant the group the first opportunity to organize the parade for the next several years, but he requested that a written request be drawn up by the City Attorney.

Mayor Rice said she did not want to approve anything for five years because it would go into the next Council term.

The City Attorney stated that a letter of intent could be drawn up, but not a contract because the Council must retain discretionary rights for special event permit approval as laid out in the municipal code.

**Motion was made by Council Member Marsh**, and seconded by Mayor Pro Tem Quach, to request the City Attorney to draw up a statement or letter of intent to provide to the Little Saigon Tet Parade Association, a first opportunity to apply for a permit for the annual Tet Parade for the next two years, with the draft language to be brought back for the Council's consideration at a future Council meeting.

Darrell Nolta, resident of Westminster, stated that he agreed that it should only be for two years, but he would like to see a standard of merit established.

The City Attorney responded that it is an objective standard with the way the applicant must relate to staff on matters such as paying insurance, etc.

Mayor Pro Tem Quach stated for the record that it is an objective process, and last year when Council Members received phone calls from the public, an offer was made to mediate between the conflicting organizations on two occasions. He said that Council treated the process objectively.

Mr. Ngo stated that many other organizations boycotted the parade last year.

A woman who said she was from the Vietnamese Community, requested that the Council hold a public hearing on this matter before they approve it.

Council Member Marsh noted that this item will come back on a future agenda once the City Attorney prepares the requested document.

The motion was carried by a 5-0 vote.

## **2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

### **2.1 The actions of the Planning Commission meeting held on March 24, 2004**

The Community Development Director reviewed the actions of the Planning Commission meeting of March 24, 2004:

- 1) 16300 Beach Blvd (Conditional Use Permit/Minor Modification) for the on-site sale and consumption of alcoholic beverages in conjunction with a new restaurant. The request also included a façade remodel, which will encroach 5' into the existing 12' wide walkway.
- 2) 15152 Moran Street (Zone Change/Conditional Use Permit/Tentative Parcel Map/Site Plan/Design Review) for construction of a new active senior (55 years or older) market rate housing with 87 parking spaces.

Council Member Marsh said he was concerned about the property at 15152 Moran; if the applicant adds more parking spaces on the site plan he wants to revise, he may have a concern with the environmental document.

Council Member Marsh and Mayor Rice requested that the first item be pulled for Council review at a future Council meeting.

#### 4. ORAL COMMUNICATIONS

Phil Hodgetts, 16041 Burgess Circle, requested that the Energy Committee be allowed to meet at his house and discuss the rising gasoline prices and how they will affect auto sales.

Mayor Pro Tem Quach, as Chair of the Energy Committee, asked if there was any objection to holding an Energy Committee meeting and reporting back to the Council on their suggestions. There were no objections. Mayor Rice said she would like to attend. Council Member Marsh said he would be unable to attend so there would not be a quorum of Council Members.

Coni Kohan, 7211 Santee, distributed a question and answer form from the California School Employees Association; she asked that residents become informed on the matter of the Westminster School District Board's refusal to approve the Uniform Complaint Procedure by the April 12, 2004 deadline, which will result in sanctions against the District, with loss of funds.

Ed Schumacher, resident of Westminster, stated the reason some school board trustees did not vote in favor of the Uniform Complaint Procedure was their concern about cross-dressing. He also inquired concerning the Ralph's Market on Brookhurst and their plan to vacate the space.

Karen Johnson, student body president of Coastline College, on behalf of the students, thanked the Council for their partnership with the college district to build the Westminster Learning Center on All American Way.

Shirl Stewart stated she was happy that the City will be building the Community Cultural Center and she was anxious to become involved in it.

Darrell Nolta, resident of Westminster, referred to a resolution passed by the Council one year ago, supporting the President of the United States and the men and women of the armed forces in Iraq. He said he opposes the war in Iraq; he read a list of names of those who have died in Iraq and in Afghanistan; he also opposed City money that was used to reimburse Mayor Pro Tem Quach for a banner.

Vivian Kirkpatrick-Pilger, resident of Westminster, said she was not related to Alan Pilger who wrote an editorial. She announced that there was a website where residents can voice their opinions at [www.talk.myoc.com](http://www.talk.myoc.com), under "communities". She said she posted a poll regarding the Community Cultural Center. She requested that her organization, "Citizens for Government Accountability", be shown on WTV-3.



Dale Washington reminded those present that they should use titles when discussing or addressing members of the Council and the President of the United States. He said that people should understand the leadership role of America in the world, even though no one wants war.

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

Mayor Pro Tem Quach said he appreciates the freedoms citizens have in this country. He said that he supports the President's actions in response to the 9/11 attacks but he realizes that freedom has a cost.

Council Member Marsh said he could not believe anyone would be opposed to the two flags that were sent to the troops and he said he was proud of that Council action. He said he did attend the school district board meeting held last week and observed a large crowd and it seemed to him people were looking for a fight and not a solution. He also informed the Council and residents that West Nile Virus has been found in Orange County. He advised residents to empty standing water. He wished everyone a Blessed Passover.

Council Member Paris said he enjoyed his time today with the students who attended Youth in Government Day activities. He said that every day 600 people die on the highway and no one lists their names. He said that he and others in the service didn't want to go to war, but the country had to be protected. He supports the President. He wished everyone a Blessed Passover and Easter.

Council Member Fry said it was good to see Pastor Peterson and he congratulated all those police officers that were promoted. He said he had a problem with Council members getting involved with any recall of the school board members, as a body from the dais, but not as individuals. He agreed that the West Nile Virus is very dangerous. He said that the 9/11 attack started a war and this country (our armed services) had to fight back and he supports the war in Iraq.

Mayor Rice said she respects each person's opinion, but disagrees when it is said the Council should not support the men and women in the conflict, who are protecting our freedom. She announced that a Council Member from the City of Garden Grove requested that she and the mayor of Garden Grove host an event celebrating the recognition of the Vietnamese flag by the Westminster City Council on July 3, 2004 at Freedom Park. She asked that this item be placed on a future agenda for the Council to consider. She thanked the staff for the Youth in Government Day activities.

The Interim City Manager informed the Council that the Vector Control District gave the City a video regarding the West Nile Virus, which will be shown on WTV-3.

**6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR****6.1 Amendments to Public Cable Television Authority's Joint Powers Agreement (502-16)**

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Paris, to approve and authorize the Mayor to sign the Restated and Amended Joint Powers Agreement, Public Cable Television Authority. The motion was carried by a 5-0 vote.

**6.2 Microsoft Enterprise Agreement for software maintenance and updates (502-18)**

**Motion was made by Council Member Marsh**, and seconded by Council Member Paris, to approve the City of Westminster joining an Enterprise Agreement negotiated by the County of Riverside with Microsoft for software support and updates for a period of 5 years for a fixed yearly fee of \$90,209.97. The reseller for the transaction under the County of Riverside Agreement is CompuCom Systems Inc. The motion was carried by a 5-0 vote.

**6.3 Authorization to add McFadden Avenue street repairs from I-405 Bridge to the east City limits, west of Beach Boulevard to an existing contract (502-01)**

**Motion was made by Council Member Fry**, and seconded by Council Member Paris, to:

- 1) Approve the appropriation of \$98,461.35 from the 02/03 IRP fund, Account No. 18002-024010; and
- 2) Authorize a change order in the amount of \$98,461.35 to All American Asphalt for street repairs on McFadden Avenue from I-405 Bridge east to the City limits, west of Beach Boulevard.

The motion was carried by a 5-0 vote.

**7. WRITTEN COMMUNICATIONS (Public)****7.1 Request for Waiver of Rental Fees/Community Services Building (702-06)**

**Motion was made by Council Member Fry**, and seconded by Council Member Paris, to approve a request from Westminster Chorale for waiver of rental fees for the use of the Community Services Building on Saturday, June 19, 2004 from 11:00 a.m. to 3:45 p.m. for an Afternoon Tea fundraiser. The motion was carried by a 5-0 vote.

**7.2 Request for Waiver of Rental Fees/Community Services Building (702-06)**

**Motion was made by Mayor Pro Tem Quach**, and seconded by Council Member Marsh, to approve a request from Girl Scouts of America for waiver of rental fees for the use of the Community Services Building East/West Rooms on Monday, June 7, 2004

from 6:30 p.m. to 9:30 p.m. for their awards ceremony. The motion was carried by a 5-0 vote.

**7.3 Request from the Vietnamese-American Community of Southern California to display US and VN flags on concrete electric (street light) poles from the week of Friday, April 23, 2004 to Sunday, May 2, 2004 on the following streets:**

**Bolsa Ave. from Purdy St. to Euclid St.** (*Westminster area is south side of Bolsa to Eden; Eden to east of Ward*)

**Westminster Blvd. From Yockey St. to Euclid Ave.** (*Westminster area encompasses the south side of Westminster Blvd. From Yockey St. to Bushard*)

**All American Way from 13<sup>th</sup> Street to Westminster Blvd.**

**Magnolia Ave. from McFadden Ave. to 22 Fwy.** (*Westminster area encompasses Magnolia Ave. from McFadden to Westminster*)

**Brookhurst St. from Margo Lane to 22 Fwy.** (*Westminster area encompasses Brookhurst St. from Margo Lane to Hazard*) (203-02)

Mayor Rice stated she was not in favor of any flags on All American Way.

Discussion ensued regarding the request to fly the Vietnamese flag last year. Council Member Marsh noted that the time request was shorter than last year, which he said he appreciated.

**Motion was made by Council Member Marsh,** and seconded by Council Member Paris, to approve the request to display US and VN flags on concrete electric poles from the week of Friday, April 23, 2004 to Sunday, May 2, 2004 on the following streets:

**Bolsa Ave. from Magnolia Ave. to the east boundary of the City**

**South side of Westminster Blvd. from Magnolia Ave. to the east boundary of the City**

**Magnolia Ave. from Westminster Blvd. to Bolsa Ave.**

**Brookhurst St. from Hazard Ave. to Margo Lane**

Darrell Nolta, resident of Westminster, said that he opposed the Vietnamese flag on Brookhurst and he requested that the American flag be higher than any other flag.

The motion was carried by a 5-0 vote.

**7.5 Request from Friends of the Abbey Centre requesting financial assistance from the City in the amount of \$5,000 for the Mayor's Ball to be held on Saturday, June 26, 2004 (213-04)**

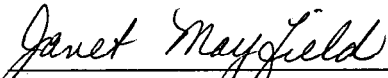
**Motion was made by Mayor Pro Tem Quach,** and seconded by Mayor Rice, to approve the request from the Friends of the Abbey Centre for financial assistance in the amount of \$5,000 for the Mayor's Ball to be held on Saturday, June 26, 2004. The motion was carried by a 5-0 vote.

Mayor Rice stated that the Mayor's Ball is a fundraiser and she expects the \$5,000 to be replaced.

8. **LEGISLATIVE ITEMS – None**

9. **COMMISSION AND COMMITTEE ITEMS – None**

10. **COUNCIL/AGENCY ADJOURNMENT:** At 9:35 p.m., Mayor/Chair Rice adjourned the meeting to Monday, April 12, 2004 at 1:00 p.m. in the Council Conference Room, 8200 Westminster Blvd., Westminster, California, for the purpose of holding a closed session to interview City Manager applicants.



Janet Mayfield, Assistant City Clerk/  
Acting Agency Secretary